

PRESENT: Bayard, Acting Chairman; Flanders; Finer; Touhey; Kahn; Edgar,
Town Planner; Harvey, Clerk

Kahn moved, Touhey seconded, THAT WE APPROVE THE MINUTES OF DECEMBER 21, 2005 (Work Session), JANUARY 24, 2006 AND JANUARY 31, 2006. Voted unanimously.

APPLICATION SUBMISSIONS

1. **MARDIS PARTNERS, L.L.C.** – Architectural Design Review of a proposed professional office building, Tax Map U06, Lot 113, located at 290 Daniel Webster Highway in the Central Business District.

The application for Site Plan Review was previously accepted. Application for Architectural Design, building elevations and abutters list are on file. Filing fees have been paid. Recommend the application be accepted as complete for purposes of proceeding to public hearing in conjunction with the site plan application.

Finer moved, Kahn seconded, THAT WE ACCEPT THE APPLICATION OF MARDIS PARTNERS, L.L.C. FOR ARCHITECTURAL DESIGN REVIEW OF A PROPOSED PROFESSIONAL OFFICE BUILDING. Voted unanimously.

2. **CONVEX, LLC** – Proposed minor subdivision of Tax Map R29, Lot 2D, into 3 lots (9.30 ac., 8.50 ac. And 3.76 ac.) located on Batchelder Hill Road in the Forestry/Rural District.*

Application, subdivision plan and abutters list are on file. Filing fees have been paid. Recommend the application be accepted as complete and proceed to public hearing this evening. With the exception of a minor adjustment to lot sizes, the proposed 3-lot subdivision is the same as the conditionally approved plan in terms of wetland impacts, proposed driveways onto Batchelder Hill Road and proposed driveways internal to the three lots.

Finer moved, Kahn seconded, THAT WE ACCEPT THE APPLICATION OF CONVEX, LLC FOR A 3-LOT SUBDIVISION ON TAX MAP R29, LOT 2D. Voted unanimously.

PUBLIC HEARINGS

1. **MERTON WINN CAPITAL, INC.** – Continuation of a public hearing held on December 13, 2005, for a proposed Major Subdivision of Tax Map S06, Lot 2, into five (5) lots ranging from 13.5 acres to 22.7 acres, located on Meredith Neck and Powers Road in the Shoreline District. Application accepted November 22, 2005.

Applicant has requested that this hearing be continued to February 28, 2006.

Flanders moved, Finer seconded, THAT MERTON WINN CAPITAL, INC. BE REQUIRED TO RENOTIFY THE ABUTTERS BECAUSE OF THE INCREASE IN THE NUMBER OF LOTS BEING PROPOSED. Voted unanimously.

2. **JAMES AND JANET WALDRON:** (Rep. Harry Wood) Proposed Major Subdivision of Tax Map R09, Lot 15, into three lots (2.66 ac., 9.1272 ac. and 16.6669 ac.) located on Corliss Hill Road in the Residential District. Application accepted January 10, 2006.

This is a proposed 3-lot subdivision with 2 lots coming off Corliss Hill Road and one coming off Meredith Center Road. The lots off Corliss Hill Road will have municipal water available to them if they wish. It does not produce any reduction in lot size, but it does at least provide them potable water without drilling a well. The smaller of the two off of Corliss Hill Road would be the existing Waldron residence which is already in place, has a state approved septic system and has been configured pretty close to the minimum allowable for a Woodbridge soil type which is the predominant type for that house. The balance of the acreage on what would be the east side of Hatch Brook will be in Lot #2 and that's proposed for one residence at this time. They will have in excess of 50' of frontage on Corliss Hill Road and there will be one house. The remainder of property which is everything west of Hatch Brook at this time will be submitted to one lot which is about 16 acres in size. We have a follow-up plan for that lot that will generate two additional lots, but we know it will involve State Wetlands Board approval, municipal approvals, conservation commission visits, a number of extensive hearings that we anticipate will take a long period of time so on that basis we're going to do this in phases and you will notice that this plan which you're viewing this evening says Phase I and so Phase I would be 2 lots off Corliss Hill and municipal water; the third lot will be off of Meredith Center Road and all utilities will be on site. We have had all the wetlands delineated and there are some corrections that need to be made to the plan with regard to setbacks. Hatch Brook is the main brook and requires a 100' setback and this will not effect this application in any way. The smaller wetlands which are outlined on Lot #2 are well removed and they don't

affect anything with regard to the development of Lot #2. We also had a meeting with staff and the Fire Chief with regard to access. Mostly to Lot #3 because it's a little bit longer driveway and we show a couple of kinks in the driveway they thought were a little sharp so I brought in the Phase 2 plan which showed a Town specification road coming up off of Meredith Center Road up to where the property gets wider where there would be a cul-de-sac put in at that location and that would materially shorten the driveway to that lot and pretty well eliminate most of the concerns expressed by the Fire Chief so the follow-up Phase II plan will show the additional driveways in more detail and will address those same issues. John has a large number of comments, which I reviewed with him. He has mentioned to me what they are. We essentially consent to the majority of those because they are plan notes and issues on the plans. We would anticipate continuing this to the 28th for its final review. You may have some input this evening also that may affect it and John will go over his list.

Flanders - Where is the frontage coming from for Lots 2 and 3? Wood - Lot 3 is the one on the far side and the frontage comes off of Meredith Center Road. Flanders - John, what is the frontage allowed? Edgar - 50', so that's got it. Now what about Lot 2? Wood - Lot 2 has, we've got 83' of frontage for that one, it does neck down to substantially less at the midpoint and based upon some reviews of setbacks and whatnot, there will either be 17' of clearance or 27' of clearance at this bottleneck. You may recall that we had originally submitted this plan with a proposed Boundary Line Adjustment with the neighbor which would have given everybody a full 50' all the way around. We met with the neighbor, we met with the Meredith Village Savings Bank that held the mortgage, we met with about everybody we could think of and thought everything was OK, but in the end I was informed by one of the other parties that's involved in this that they didn't want to proceed with that so we're kind of stuck for the time being as far as clearance right at that spot. I don't think this will impede access to one residence. If they ever propose to do something with Lot 2 in the future, obviously it would be a concern. Flanders - I guess I'm getting concerned looking at the locus over on the left side of the page. Wood - Well, we've got a line that's drawn that still shows the boundary line Adjustment, OK and so the lines happen to cross there, but we can clean that up for you Bob if you would like. Flanders - Yeah, it's pretty confusing when I look at it. It looks like Lot 2 doesn't have any property that goes up to there looking at that locus. Wood - Can you see it on the map OK? Flanders - Not really, you've got so many setback lines it's getting pretty busy in that area. What's the width right here? Wood - 17 feet. Flanders - Mr. Chairman, can I ask another question in regards to frontage? You talk about this is Phase I and you're possibly going to do another subdivision on Lot #3, if you've only got 50' of frontage. Wood - We are going to build a Town specification road up into the property to where the property fattens and there will be a cul-de-sac in that location and that will provide much shorter access to the driveway into Lot 3 and it would thence be a driveway into Lot

4 which would be in this location and depending upon developments which are currently being considered by the owner of the property, this area in here might turn out to be Lot 5 and that has, its legal frontage is over on Route 104 and Bonner Road and we would probably access it from this direction because we've got extensive wetlands that we wouldn't want to disturb. We would use the driveway and that way there would only be two lots on the private drive. We would configure that in such a way that they all have frontage. Kahn – Your topographical gradients, are those 2'? Wood – Yes. The average grade on the main portion of the property is right around 15%, in places its just under and other places its just over and you may note that the soils analysis, especially for Lot 1, we took the upper part of the property down as far as the house which you can see the lines are spaced out more, that was figured as a "C" slope and that from the house down was figured as a "D" slope and that met the requirement. John has raised the issue with regard to a couple of extremely small wetlands along this side of the property that showed up on an earlier plan. It was the septic design plan for that dwelling and I didn't have access to that and when our soils scientist flagged the property, they did not flag anything in that area so we may make a very small adjustment to Lot 1 but if it were to accommodate the numbers only, we would simply take the real lot line and probably move it back a few feet. If we're short, we would simply move it back a little bit and we can make that change rather easily. Kahn – What's just inside from Meredith Center Road? You've got something indicated there. Wood – There's an exempt pocket of wetlands there and it's 662 sq. ft. of liquid. That's another one of the reasons why we anticipate further development of that portion of the property would take longer because we have that one and we have a wetland here and we have the major wetland where the property line is and we've got to get up through there and pass through several buffer zones and possibly affect the wetland directly which will involve hearings at the Town level, the State level and we're anticipating about 3-4 months to address that issue so we are just bypassing them for now. As a private driveway, we have room to go by it without interfering with it, which is the purpose of the exempt wetland. You can't fill it, we don't want to drive through it, we are simply going to go around it. Touhey – Is it the practice of the Board to approve something like Lot 3 when the driveway is being proposed as part of Phase II. What if Phase II doesn't occur? Wood – We were asked by the staff and Fire Department to provide a turnout if we exceeded 800 feet from the main road and we were asked to provide 50' radius turns on the driveway and sufficient room to turn around in the vicinity of the dwelling so the fire truck wouldn't have to try to back out the entire length. That also applied to delivery vehicles, oil trucks and trucks of that nature that might visit the site and we said we would make whatever adjustments were needed for that purpose. They are not reflected on the plan that you are looking at. Edgar – There are at least 2 references on the plan, Harry, that refer to proposed drives that tie into the second phase, that might be the source of the confusion and should be

eliminated. Any reference to Phase II should be eliminated from the Phase I plan, otherwise, it would imply some level of approval for the second phase that doesn't exist. Kahn – We're only being asked to approve a driveway that comes in off Meredith Center Road that bypasses that exempt wetland and goes to the proposed house site and that other driveway doesn't exist as far as we're concerned. Edgar – This is an on-site septic situation so the lots are subject to soils and slopes with lot sizing requirements. The subdivision plan refers to a "soils analysis" and the applicant has submitted a Site Specific Soils Survey report which indicates in part that the soil survey was conducted on a portion of the 28 acres and that portion is used for preliminary land use planning and lot sizing purposes. The report also indicates a table of Site Specific Soil Map Units, which is the NRCS nomenclature and correlates those back to the SCS nomenclature that we have in our ordinance. However, a soils map has not been submitted with a report and it appears that some level of mapping has been the basis for the calculations. The map should be submitted with the stamp of the soil scientist. I have asked that the lot calculations be clarified to follow a standard progression of dealing with a gross lot area or a portion of an area mapped, then from that we deduct areas including wetlands, class 5 slopes, steep slopes and ROW's, the resulting net areas by soil type and then convert from NRCS nomenclature to the Meredith ordinance and the soil type area requirements have been applied to the net areas confirming that each proposed lot meets the minimum requirements of the ordinance. The soils analysis calcs are a little bit hard to follow and I asked that those be clarified for the benefit of the soils map that was prepared by Mr. Schuey. The residence on proposed Lot 1 has a DES approved septic system which was approved at the time when the lot was greater than 5 acres so it didn't come with State Subdivision Approval at that time. I do include the construction approval reference number in the staff review and that specific septic approval should be cross-referenced on the final plans. As Harry had indicated, the approved septic plan does indicate the presence of two small wetlands on the Waldron house lot and these wetlands need to be deducted from the lot size calculations. The lot size calcs in the analysis for Lot 1 indicates 1.82 acres and therefore it could affect that. The practical significance is minimal in that as Harry had indicated, we would just make the 9-acre lot a little bit smaller. Lot 2 narrows down to approximately 15' in width at a point approximately 190' in from the road and I would raise the rhetorical question that can a proposed driveway and water line together with any slopes and construction access needs fit within this very limited space? There are some setbacks that need to be corrected. Lot line setbacks do not affect the viability of the lot, but as it relates to proposed Lot 1, when we show the corrected side setback, it would create an encroachment with an existing accessory structure. Either a setback variance is applied for and obtained or the structure would have to be removed prior to recording the plan as the subdivision's currently configured. Wetlands have been designated on the plan by Randy Shuey

and Nicole Whitney, both of which are certified wetland scientists. Final plans should note the date of the fieldwork and the delineation standard that was followed. Wetlands are shown in two locations on Lot 3 as "exempt" due to size, one being 653 sq. ft., the other being 860 sq. ft. and as not being contiguous to a brook, stream, lake or pond. There is another small isolated wetland on Lot 2 that may also qualify as "exempt" that would be particularly important relative to future house siting and driveway locations on Lot 1. Final plans should clarify what is exempt from our ordinance and what the relative significance is. The plan notes other areas as being "mostly wet" and another area as a "wet area" and to avoid confusion, references should be eliminated if these in fact are wetlands. All applicable 75' leachfield setbacks and 50' protective buffers should be labeled on final plans. The large wetland running through the middle of the property is a designated brook and would need to make the 100' setback addition on the plan. As Harry indicated, the plan notes that this is Phase I and based upon conversations with Harry, a subsequent subdivision phase to create additional lots is forthcoming and this plan would involve direct impacts and buffer impacts to the wetlands and should be reviewed by the Conservation Commission. On-site septs are proposed for each of the 3 lots. Test pit data has been submitted for pits 1-4. Six test pit symbols appear on the plan. Test pit numbers should appear on revised plans so that logs can be correlated to locations on the plans. State subdivision approval is required for Lot 1. Lot 1 is currently tied to the municipal water system on Corliss Hill Road. Lot 2 is proposed to tie into the water system and an on-site well is proposed for Lot 3. Bob Hill is reviewing the proposed water service to Lot 2 and his comments are on Page 54A of your packets. The new lot, meaning Lot 2, if connecting to this water system would connect at the street at the beginning of the driveway. Any water service line that crosses over another property shall have easements for construction, maintenance and repair and because of the relative length of the service line down to the building site on Lot 2 and to compensate for the friction loss, Bob specs out a minimum of 1½-inch diameter service line and then a reduction of that pipe size as it enters the building. I also point out that if we do tie into water depending on where the main is, there may be the need for an excavation permit depending exactly where the water main is in relationship to the roadway. Typically, those excavation permits are required as a function of the Building Permit and are not a prerequisite for Planning Board approval. Any approval in the future should be made subject to Bob Hill's signoff of final plans. Relative to electric, cable and telephone, existing pole and line locations should be shown together with the proposed services and added to the final plan for each of the 3 lots. Lot 1 being the house lot is served by an existing driveway. Lot 2 will tie into this driveway as a common driveway. A DPW driveway permit is required for the added use to the existing driveway and has been applied for. Lot 3 will be accessed via Meredith Center Road which is a State road and likewise a NHDOT permit is required and has been applied for. Both driveway permits need to be

referenced on final plans. Harry, Chief Palm and myself met recently to review the proposed driveways for Lots 2 and 3 in this Phase I. The lengths of the driveways are not particularly problematic, but there was a gray issue that we're looking at on Lot 2 to try and minimize that grade a little bit. Final plans will be revised as necessary to reflect that. From a legal point of view, we should see a draft easement for the proposed common driveway and in particular we just look for clarification as to who is responsible for what maintenance and it may or may not need a water easement consideration as well and our standard language relative to pins be provided in writing prior to recording the mylar. Angela Webster – I abut Lot 2. The driveway is a real concern and also a question as to whether or not it will be further subdivided and you say it goes down to 15' at this point. Wood – I think that the proposed purchaser of Lot 2 has allowed for that in the future and had intentions of doing some adjustments that would help that entranceway. He has no plans submitted at this time. He has not asked us to prepare anything. The first thing I think he intends to do is to build a house for himself and that's all that I know at the present time. Webster – That doesn't sit well with us. Knowing that the driveway becomes a road, it becomes a different issue and we become sandwiched between two roads if that were to be it. Wood – I think the Board would probably say that that necking down would be problematic for multiple dwellings and so something would have to be done. Driveway wise just to help you out, I don't think you'll see more than two additional houses. Flanders – If there are additional home sites on Lot 2 and if we require 50' of road frontage for each of those home sites, how could there be further subdivision of Lot 2 unless there's further road frontage. Wood – That's why I said, I don't think it's going to happen for a while. It was originally configured in such a way that there would have been 50' right through, there could have been a turnaround, that's all moot at this point. We are asking for one house site on one lot and that's all. If there's to be anything further, those items will have to be addressed and I'm not authorized or prepared to do anything except say Mr. Waldron who lives here owns this entire thing and he currently is under contract to another individual to sell Lot #2 to that individual and that's as far as it's going. Touhey – I was just confused when you were saying that that individual who is interested in purchasing Lot 2 has as his intention now to build a single-family home for himself, but you also said that he may in the future have the intention of further subdividing that and I just didn't see how that would... Wood – He'd have to come back here and he'd have to answer all your questions. It's that simple, I mean we're not even going to indicate that it's even possible at this instant. I am simply responding to the question, would there ever be any more. That had been looked at but the best we could see from what we know if there were any more, it would be a maximum of two in addition to the house and how they do that is another issue. I can't answer it, because the arrangements that they originally had have been cancelled and they are not going through and therefore, there's one house. Touhey – I

think just for your satisfaction, I think our regulations do require 50' of road frontage and it appears that there's 83' there and it narrows down to 17' or so, so 83' divisible by 50 only comes out to 1 and a fraction so they would have to obviously get variances, John, right? Edgar – That is correct, it's also the second house off a common driveway and then #3 in order to put a road in, they need 50' of ROW. There are a host of subdivision issues that would come up if in the future somebody wanted to try to, as its currently configured, put a road through there. It's not to say, I mean we can't stop someone from trying, but there are a lot of issues that would have to be addressed and they would all be addressed in the context of a public hearing with abutter notification. Bayard – Short of reconfiguring the frontage off the road, it would require some type of road through there and Bob perhaps can correct me as to what is needed, but you need about 50'. Flanders – You have to have a 50' ROW and the Selectmen control the road standards so it would have to go through the Board of Selectmen as well. The chances are slim to none in my opinion. Edgar – I just caution that we not over speculate over something that's not in front of us. Clearly, there would be issues and clearly they would have to come back. We are not in a position to preclude someone's future rights. Depending on what they can cook up, we'll cross that bridge when we come to it. Bayard – It would require the 50'. Edgar – I think they've pretty well covered it and there are a lot of issues and that's not what's in front of us at the moment. Flanders – The only way they would be able to do anything, they would have to do a Boundary Line Adjustment with Lot 1 to get more width there. With anything less than 50' going through there, I can't see that anything else is ever going to happen there. Bayard – I will be kind of curious to see what, you said they are possibly looking to revise some of the driveway and stuff and the grades and things like that. Wood – that was specifically in response to the staff comments going back to the grade in this general vicinity and when I drew the preliminary layout, I simply chose to put the drainage below the wetland and all they have to do is go above the wetland and the grade is not an issue. It would essentially be a level road at that point. Chris Clayton – I'm kind of curious about that being subdivided also. There are considerably large areas of wetlands between the driveway to come back and... I think he has said that, if you want to comment further, but I think he's already stated it's going to be very difficult and he has a lot of permits to obtain. Wood – The cross hatching on the plan shows all the wetland areas and they are specifically what we have to address if we plan to come up into either this portion or that portion of the property and we already know that if we try to do that, we will be a minimum of 3 months, possibly more just processing paper and so for that reason, we chose to phase the application, but we wanted to make sure, the same as the answer to Mrs. Webster's question, she said did they ever plan to do anything more? I'm not going to stand up here and say "no" because I know that they thought about having additional lots in that area and the same thing, I don't want to come in and have you believe that this is the

only house that will ever be here, because there is a very good indication that we will proceed and probably in the next submittal cycle, we will be submitting Phase II for this for initial consideration. Maybe the view or whatever, it certainly wouldn't be ready for final approval because we would have to go to the Zoning Board and the State of New Hampshire. I don't think we're going to make it to Governor & Council this time, but it's a lengthy process and I'm never sure how long it's going to take at the State level, so we just chose to divide the two possibilities. Clayton – That cross-hatch section where you've got that wetland, that's pretty much an annual running stream in there. It's never does not have water running through there, with the exception of an exceptionally dry summer. Wood – That was marked out by a wetland scientist and we show it on the plan. Nobody's trying to indicate that it's not there. If there was a scoured channel in it, we would be required to increase the setback, but there again, probably we're talking lots in the range that these would come out, I don't think that would be an issue. We have the entire width between the two and the maximum we'd have to take out of there is 200' from the stream itself or 50' from the edge of the wetland. To my knowledge right now, they reported this to us as a wetland, and whereas this is the main stream, then that does require a 100' setback. It's 100' to the inch and you can see it's the length of a football field or more between the two. It's not crowded and you can easily take the setbacks out of it and still have more than enough room for the dwellings and things like that. If we try and cross those, that requires additional. Edgar – If and when they come back for the second phase, there's two Boards that will be involved. This Board on the subdivision and the Zoning Board on the wetlands. The direct impact is unavoidable here, there's topographic issues out there so there will be a fair amount of grading and after calculating exactly what's being filled and so forth and then go to the Conservation Commission and eventually the ZBA and then to the NH Department of Environmental Services for their permit. There's a lot of permitting to get to these two building sites that has not yet been permitted, but you as abutters would receive notification of the local part of that permitting process. Bayard – It's not in front of us, I think it's good to be noted but on the other hand should something come in in either case, there will be substantial opportunity for input on that and that's why we have this type of proceedings so that something just can't happen and certainly turn into something else without going through another proceeding. Edgar – With respect to the 28th, we have the continuance of the Merton Winn subdivision. We have the Lindsey Lu continuance for the other project on Corliss Hill. We have a Compliance Hearing for the Subway sign package. We have a site plan application for Camp Wanakee. We have a two-lot subdivision off Pleasant Street and then we have a site plan on Route 3 South, so just keep that in mind. We all get a little concerned when the agendas get backed up and everybody gets punch drunk at quarter to midnight. Kahn – I think there's another issue here and these kinds of squirrely driveways, I think we ought to walk them and take a look at them.

It looks to me that we ought to do a double-barrel site walk, east end of the property and west end of the property and I'm not talking about going all the way in and looking at the brook and all of that. The issues that I have that I think need to be looked at are just the driveway to the house site which isn't that complicated, but I think we ought to look at it. Edgar – And I think you'd kill two birds with one stone in that if there were a subsequent subdivision, we would have seen where the crossings would occur and stuff like that. Kahn – What I was saying, I was not suggesting that we go all the way back and look at what might happen with those wetland crossings if there was a second stage. I'm not suggesting that at this time, it's not before us. Flanders – I think we should do a site walk and I'm having a real problem with this Lot 2 choking down to like 17'. If you did the math, would this thing end up as a flag lot because you've got a width of 83' out here on the road, but it chokes down to 17' so take the average of that and take the average width on the other and compare it to the total length which would have to go from Corliss Hill Road to the boundary line of Lot 3, I'm not sure you wouldn't be close or beyond the 4:1 ratio. Wood – If that were your simple concern, we'd simply for our building limitation line on the plans so that they weren't building 1,000' into the property. I think the purpose of that particular ordinance is to prevent bowling alley type lots that someone may put the house at the far end of the lot. Flanders – I don't think this lot configuration fits any normal template. I have a real problem with that narrow spot right there that the driveway has to cross and you have the potential to correct that just by moving the boundary line between Lot 1 and Lot 2. Wood – How do you make that any wider if there's a structure that's been placed in the meantime? Flanders – What is that structure? Wood – It's a garage. Flanders – You know what, if the guy wants to subdivide the land, maybe he has to relocate the garage. Just because it's there now doesn't mean that it has to stay there. Wood – It wasn't supposed to go where it is, that's all I can say. Bayard – I think it sounds like it's a great opportunity for a site visit so we can take a look at what's out there and be able to come back and really discuss it. Wood – That's wide open, you can drive right down to the start of the second lot and the whole thing is wide open. You can see the entire thing. Flanders – The only other comment I would like to make and that's keeping with my character is if somebody made a mistake and put that garage in the wrong place, that's no reason for us to make another mistake. Wood – I'm not asking you to do anything, Bob, I simply brought in what was left. We had a plan to do a Boundary Line Adjustment and it didn't happen. We had specific instructions where the garage was to be placed. When we went out and looked, the garage was in a different place and all I did was make sure it was reported accurately to you and if somebody else comes in and tells you they've got 25', they don't have it. What they have is what I show. I knew it was a problem, but I can't change it at this point. The applicant can change it, but

I can't. Bayard – I think it makes some sense to do the site inspection in March. Edgar – The meeting of the 28th of March is the hearing date if you were to continue it to a date specific and then you'd back up from that.

Kahn moved, Finer seconded, THAT WE CONTINUE THE HEARING ON JAMES AND JANET WALDRON TO MARCH 28, 2006, AND THAT WE SCHEDULE A SITE WALK BEGINNING ON CORLISS HILL ROAD ON SATURDAY, MARCH 18TH. AT 9:00 A.M. Voted 5-0 in favor of the motion.

3. **MARDIS PARTNERS, L.L.C.:** (Rep. Carl Johnson, Jr.) Continuation of a public hearing held on January 10, 2006 for a proposed Site Plan to construct professional office space and related site improvements, Tax Map U06, Lot 113, located at 290 Daniel Webster Highway in the Central Business District. Application accepted January 10, 2006.
4. **MARDIS PARTNERS, L.L.C. –** Architectural Design Review of a proposed professional office building, Tax Map U06, Lot 113, located at 290 Daniel Webster Highway in the Central Business District.

As you recall, we were here before the Board discussing the site plan aspect of this proposal. This is the property that is just southwest of Dockside and just north of the fire station. It was formerly several different businesses, the latest which was a Pottery by the Bay business. When we were before you, we had discussions about the site plan aspect of the project and now we are here to finalize that as well as give you the details regarding the Architectural Design Review. John Edgar has done a beefed up site review and has a staff summary regarding some of the site plan and Architectural issues. Basically, the site plan issues boil down to an analysis of the square footage to make sure that we were in compliance with the Zoning Ordinance. Bill Edney has reviewed those figures. I've added those figures to the plan, which delineate the non-conforming square footage expansions. The building that's being proposed is actually slightly smaller in footprint and skinnier and is further away from the brook and the rear property line than the existing building. The existing building does not have a second floor on half of the building so there's not a lot of non-conformity there. The proposed building actually has a carport scenario underneath on the first floor and has a second floor, but the numbers combined when you net out all of the portions of the buildings that are conforming results in a net increase less than 400 sq. ft. so we are in compliance with the Zoning Ordinance. As you can see, Mr. Mardis has spent a great deal of time with his architect designing this building. I'm sure you all are familiar with the building that's there, it's not the most architecturally pleasing structure in town and I think that you can see dramatically in the artist's rendering that it's going to be a major improvement in the general character of the neighborhood. You can see

the design styles and you have in your packet the materials list that is going to make this a very attractive improvement to the neighborhood. The other elements of the architectural design review talk about the orientation of the building, the roof line, the massing and so forth. We are taking a lot that essentially has a building of similar size that's been there for quite some time, taking that building down and replacing it with a similarly sized building so there's not any great difference, no dramatic changes to what's there with the exception of the general improvement. You can see that the roof lines are broken up with the gables here and also broken up with the differing materials that are used on the front of the building. The mass is actually quite appropriate for the smallness of the lot, it's not a big lot, but it's also smaller than the total structure mass that's on the side of Dockside and it's smaller than the structure mass, which is currently next to the Fire Station. We also have significantly larger buildings across the street. We have the restaurant almost directly across the street and then Church Landing is down in this area so as you come down into Town, it's not going to be any dramatic noticing of the building mass. In conjunction with the architectural design review, the signage here is the traditional Century 21 sign with a reader board, which will be replacing but in the same location as the existing sign. That sign location has been reviewed by NHDOT because it's actually in the NHDOT right-of-way and there's a letter in your packet which says that at this particular point in time, that's where DOT wants the sign. They don't want it to be moved, so that's where we are placing it. We have proposed and shown two (2) additional signs on the building, one in the front and one on the side. As I read the ordinance, it clearly says one thing to me, it doesn't clearly say the same thing to Mr. Edney. The ordinance says you are allowed to have one free-standing sign with a maximum square footage on either side and we are about half of what that maximum signage is and then the ordinance goes on to say, additional building signage up to 64 sq. ft. and that's exactly what we're showing. We are showing 32 sq. ft. on the front and 32 sq. ft. on the side, that's 64 sq. ft. Mr. Edney's interpretation of the ordinance is that that means it has to be one sign, not two and if it were two signs, you would have to go to the Zoning Board of Adjustment to get a special exception. So what I've done is I've added a note to the plan underneath the second sign that says that that signage would require a special exception from the Zoning Board of Adjustment. This project as it stands is extremely time sensitive. We do not want that to be the part of this project that holds up what's going to be happening here so the approval if you should be so kind as to grant one would include the condition that if that special exception was not granted by the Board of Adjustment that sign would not be there so that would be the understanding, that's what we're representing here. I think if you look at all of the recent buildings that were built, Volvo, the Harley Shop, similar buildings and the like, they all have multiple signs, I'm not sure if they've got special exceptions or not, it doesn't really matter,

we'll do what we are told, we'll make an application to the Zoning Board for a special exception. I don't see any reason why they would not, if you look in your package there, there's an example of the signs that would be on the side of the building and I don't see any reason why they would not grant permission for that additional small sign. Obviously, coming down you have two faces. You have the face that's coming down the hill and you have the face that's facing the building and I think it makes sense to have a sign on the side. We are not talking about a great big sign, we are talking about two small signs with goose neck lighting on the front. The sign that's proposed to be on the front is an internally illuminated sign similar to those signs that are at the Harley Shop and similar to the sign that's at the Volvo Dealership. Kahn – On the architectural drawing, there's a sign that's not a sign. Johnson – The rendering is a rendering. It's the architect's sign, not your sign. These are the signs and on the plan the signs are identified as 2' x 16' which are these signs here. Jim Mardis – I received some feedback at the initial meeting that although internally illuminated signs were permitted in the district, I was encouraged that I probably may want to reconsider that because of what was kind of surrounding that and I drove up and down the street a number of times and so I have decided that I would go along with and, in fact, agree with the fact that they should be externally illuminated in all cases. So the street sign, although I'm not sure what it says on the proposed drawing that you see there because I've received so many from my designer, but for the record I will state that I do intend to go along with the suggestion that was made to me to go along with externally illuminated signs everywhere. With respect to 64 sq. ft. of signage on the building that really is not clear whether that's one or two signs. It was split up into 32 sq. ft. of signage per sign when actually my intention was to, on the visible side, the side where the fire station is, to actually go larger than that so, for example, if I went 40 sq. ft. on that sign, I would end up with 24 sq. ft. on the front of the building. If in fact what the Board wants me to do, I would go along with 64 sq. ft. on the fire station side because that's where it's visible and I feel that the sign out front would identify the building. However, it's my personal opinion and I'll go along with whatever the Board feels that to kind of split that up in a way would make a lot of sense rather than to have one very large sign on one side of the building, which kind of makes sense in terms of visibility and readability. It kind of takes away from the identifier factor on the building at the front as well and could reduce the size of the sign on the other side which was my kind of gut feeling as to what I should do, was to have two and split up the size of the signs rather than to have one sign at 64 sq. ft. I definitely don't want to hold up this approval process, I will go with whatever the Board tells me. I'm already a month late on this and I'll bow to the consent of the Board and if I feel from a developer's point of view that that's in error and that's totally judgmental and arbitrary and I understand that, then I will go through the process and as Carl has outlined, to see what might be done to change that, but I just want you folks to know that that's not a stumbling

block for me and I've given this a hard look and I feel that externally illuminated signs would be more in keeping with what's on either side of my property and kind of add to what's there. Johnson – The first part of that is that we would just be changing internally illuminated to externally illuminated on the note that's right here. The second part of that is that there's at least one developer in the room that agrees with Mr. Mardis, one non-developer that agrees with Mr. Mardis that the zoning ordinance is at the very best poorly worded if it allows you to have 64 sq. ft. on one side of the building and not split that up into two sides of the building, but I think you see what his point is, he would much rather have the two if he could get it, but it could go either way at the Board. I can't imagine for the life of me that the Zoning Board would have an issue with having 32 feet on the front and 32 feet on the side. By the time he gets around to actually hanging signs on the building, I think we could have that approval for a special exception in our pocket. Mardis – It's not something I want to get hung up on tonight. Johnson – It's very important that we get through tonight with a conditional approval that allows him to proceed if at all possible. John's staff review has a few other things regarding utilities. We show the utilities. Bob Hill has some comments about the possibility of when they get in here, having to upgrade the utilities and of course that is self-controlling to some extent because I don't think anybody's going to build this type of building without making sure that the utilities that are servicing it are going to be adequate. There is power coming in here from this pole that's been there for as long as the building's been here and John just wants to make sure that if there were some redevelopment of the fire station property by the Town that the Town doesn't get hung up with having to somehow incur cost with maintaining or providing service to the building. I'll look into that. I'm almost sure there's an easement for the power going into there and that would solve that problem. I'll let John handle his comments on the site stabilization issues. As you recall, we did have Gove Environmental Services prepare a site stabilization plan and that's in your packet and John has some comments on that. I did revise the note regarding the parking. John had some comments about that and I basically revised the note to be verbatim with his staff review in terms of changing the use. Mr. Mardis represented that although there's a lot of employees involved in the operation, there's hardly ever a time when there's that many of them there. There's more apt to be 3, 4 or 5 employees on the site as a maximum and John realizes that and recognizes that but wants to caution the, may trigger further Planning Board approval and so I'll change the note to reflect John's comments there. We've added some car stops here to keep the cars from potentially bumping over and going into the brook. John said there was an opportunity to provide some landscaping to the left of the front door instead of pavement to the building. I've taken the liberty to add a little bit of landscaping in that area to kind of dress up the building. I know Mr. Mardis pretty well to know that he also likes and is a big fan of landscaping and I'm

sure we could add some in that area. Snow storage – It's been plowed and maintained for as long as there's been a building there and John has a suggestion that if there was any significant amount of snow on the site, it should be taken off site. One of the things that's is happening now is when there's a larger snowstorm, the snow is actually loaded and taken off-site. There's a note to that effect. The snow will be removed to an off-site location if parking or access is impeded. I did not have specific information on fuel supply and location of that. We can add that to the plan based on Mr. Mardis' input. I was unable to get in touch with him today. Mardis – Currently, there's a kerosene tank which feeds a monitor and the building has electric heat. Those are the two sources of heat in the existing building. The kerosene tank will be removed and we will be providing forced hot air heat by propane and I'm suspecting it will be a buried tank. If not, there will be a couple free-standing tanks outside of the building, but it will be propane. Flanders – If a propane tank's going to be buried in that area, you better chain it down to substantial blocks. Mardis – Actually, from my experience what the company will do, Irving or whomever you use, when you talk to them about burying a tank, they'll tell you what to do. We just had a tank farm installed for our project with the car wash and Laundromat in Moultonboro and we actually had to build a leach field. We had to put down a gravel bed, build what looked like a leach field and then a whole thing around it because it has something to do with temperature variation so they pretty much will direct you from my experience it's not really how you install, if they are going to put their tanks there, they are going to tell you what to do. It's thermal as well as water lift. Edgar – As Carl indicated, I recommended the note that if there's any change of use obviously that has to come back, but this is being approved as professional office kind of carte blanche and there are a lot of particulars that Mr. Mardis had represented as to how this business would get managed and there could be changes in some other office use that wouldn't be a change of use technically, but because it could potentially be significantly different than what the representations are that we are working under tonight that we want to put that flag note like what we've done on other projects. Setbacks have been added. With respect to Bob Hill's signoff, he doesn't have many comments, just one flag that the likelihood depending on how the building is proposed and the condition of the existing sewer and water lines, there may need to be new services and that could as Carl indicated just be something that's a function of field determination, something we would address at the pre-construction conference. Bob could certainly review it at that time. DOT approval should be cross-referenced on the final plan. They have approved the change of use, as well as the maintenance of the existing sign location. With respect to site stabilization, Gove Environmental Services has prepared a Storm Water Pollution Prevention Plan based upon the erosion control plan and an accompanying letter report. The Gove report flags the fact that the site is very small which limits the available space for

staging of the project and that's something we have to pay particular attention to due to the closeness of the site to the brook. Those are the kinds of details that we typically pick up in a pre-construction conference. An additional concern is the proximity of the new foundation to the rock channel of the brook and as we discussed with the owner and Carl, that extra precaution needs to be in place. I think we are all in agreement to that effect that extra caution needs to be there to ensure that the proposed excavation for the new foundation doesn't inadvertently undermine the bank of the brook. Towards that end, I've recommended that the Board's approval stipulate three things that are consistent with things that we've spoken about in the past: (1) that we require a pre-construction conference prior to any site work and typically these are meetings between the owner, the site contractor and the Town forces that would be responsible for pieces of the project, particularly fire, water and sewer, code enforcement and myself; (2) that specifications for the removal of the building and the installation of the proposed foundation be approved by the Code Enforcement Officer prior to site work and the issuance of the building permit. Typically, Bill would look at the foundation plans for the building to make sure that the methods and the process are sufficient to cover the concerns regarding the integrity of the bank and if it doesn't meet with his comfort level on the foundation plans, then he wouldn't issue a building permit, so obviously we need to work out those specific concerns through code enforcement and Jim's contractor; and then finally, that the applicant will be responsible to contract for construction inspections performed either by an engineer or Gove Environmental with respect to the erosion control plan, construction sequencing and compliance with the Storm Water Pollution Prevention Plan that Gove has submitted. In the letter report they do acknowledge there would be some form of construction inspection and they would all agree, the applicant as well as the staff that would just be a prudent extra step to take given the proximity of the brook. With respect to the parking, there is a requested waiver for one (1) space which I have no objection to and relative to that waiver, consistent with past discussion on the parking, I would recommend that the Board stipulate that any change in use, change in occupancy or reduction in parking may require additional Planning Board review. The reason I refer to a reduction in the parking, there's portions of two (2) existing spaces that are out there today that are actually in the State ROW and if the day were to come and the State, the State knows that, they've seen this plan and they have approved it, but if for some reason there was an issue down the road, I just want to hold open the Board's prerogative to review the project if it became a parking problem. Kahn – What are the size of the parking spaces? Edgar – 10' x 20'. Johnson – The ones that are on my plan are 10' x 20'. The ones that are out there are actually slightly smaller. Edgar – You could go to 9' x 18' and you would gain about 6 feet. Kahn – Do we have any requirement or is there any State requirement about a handicap space? Edgar – There is for

new development and I guess the way I've looked at this project is it's a redevelopment on an existing site. If the Board wanted to see a handicap space out there, I guess you could certainly fit one in. Edgar – The answer is “yes”, we do have handicap requirements, but I think we have to take into account this is an existing site. Johnson – I can offer a comment on that which I think is a solution. The last space actually can be much bigger than 10' x 20', it can be wider. The trouble with providing a handicap space is that a space on a site plan where there's only 8 spaces, it really turns the plan into a plan with only 7 spaces and so I think there's ample room for a handicap accessible vehicle to park on this site and be able to get out. If you should sign it as such as part of the same thing you do under a new site plan, I think we're actually taking a space away. There's also other aspects of handicap access, there's two (2) spaces underneath and I'm sure if somebody that needed HC access to the building, they would be offered those spaces as well which is actually in the building. Edgar – The building from a building code point of view will be HC accessible. With respect to site lighting, no site lighting is indicated; it's a pretty small site. Johnson – I did have a note on that, John, the only site lighting really is recessed lighting underneath the entryway, so there's none really proposed for the building. With respect to snow storage, I don't know exactly how it's been plowed out but the answer can't be to push the snow into the brook as an option and so I would recommend that we don't want to push it on the abutting property, we don't want to dump it in the brook and we don't want to gobble the few parking spaces we have so as a practical matter to the extent any significant snow is accumulated on the site, it would then be removed as a practical matter. I don't think we should hold out the option that it just gets pushed over into the brook. The signage issue from my point of view, this one came to my attention late in the day on the issue of special exceptions. I can't really speak to that other than what's been said. I think it's more than reasonable to look at a conditional approval allowing it to go forward and if they want to choose to add the additional building size to the extent that that remains a requirement from Bill's point of view, then they certainly can receive a special exception while they are approaching construction phase. I only just ask that at the end of the day that if they do choose to do that, the Board should be clear with the applicant whether or not they need to come back for the additional sign. In my point of view the answer would be “no”, as long as you understand that they would be going to the ZBA if Bill holds to this position and that they do get it, you have the additional small sign going up on the end of the building. I think that would be an appropriate way to handle it, as opposed to requiring them to come back to you for site plan amendment, especially with you having the front-end knowledge that that's their preference. I think you just need to be clear tonight as to how you want to handle that. Johnson - Similarly, after I had submitted the plan to Bill, I knew that was an issue so that's why that's up there. We'll just take what the Board's direction is. Edgar – What I'm saying is I caution the Board against trying to administer the Zoning

Ordinance. For better or worse that's Bill's call and your call is really whether or not you have a problem with the signage from an architectural point of view or whether or not you think that if they get another sign approved by the ZBA whether it has to come back before you or not. From the staff's point of view, I think the signage is consistent with your architecture and doesn't rise to the level of a site plan amendment. Those are my personal opinions, but that's what your role would be as opposed to trying to interpret either the inconsistencies or ambiguities or the oddities of the Sign Ordinance, that's Bill's responsibility. I just caution you against that, I think just dealing with the issues of whether or not you think the signage is consistent with the architecture which is part of your architectural review criteria and as a general matter and then whether or not if they got a second sign, if this rises to the level of coming back before you. With respect to fuel supply, here again as I stated at the earlier staff review that any approval will be subject to Chuck Palm's signoffs so we can confirm compliance with NFPA codes. We should have a small performance guarantee in place for erosion control and site stabilization as I mentioned in the previous staff review. Unit cost estimates should be submitted for staff review. I point out to the Board that this is very limited in terms of its scope for the erosion control for such a small site and the corresponding dollar amounts will be relatively low and there's not a problem from staff's point of view if the Board were to handle this requirement as an administrative condition. Typical language relative to review and amend and then with respect to the detailed architectural review, the standard of care is to determine whether or not the proposed design is in substantial conformity with the criteria in the ordinance that you're familiar with, issues of massing, architectural features, details, street orientation, signage and those kinds of controls that are in the ordinance. Kahn – On the signage, I'm looking at the proposed signs for the front and side of the building and I guess the concern that I have is that depending on whether it's a Friday or Sunday, traffic is kind of back-to-back in front of that location and I think if you have signs with a lot of verbiage on them and small letters, you are going to create rear-end collisions if people are interested in trying to read a sign so I think in terms of the signage away from the road, I don't particularly care if it's one sign or two signs, I think the signage away from the road, you would be better off from a safety standpoint and from a readability standpoint if you had large letters and not a lot of text. I would suggest, whether or not it's a matter of architectural review or what have you, that they keep the signs higher, narrower and with less text, at least the ones on the building. Flanders – From an aesthetic standpoint, I think that two signs make more sense. Having said that, it's clearly totally up to Bill to interpret the ordinance as Code Enforcement Officer. Mardis – Statistics show that 80% of our business now comes from our web site and we've dropped the Boston Globe, we cut back 85% on the Wall Street Journal and the New York Times. We track every lead that we get and we fortunately were able to obtain the name www.lakesregionrealestate.com

back in 1995 or 1996, two years before there was any other broker on the web so we go way back with that and it's a name that's not hard to remember. Bayard – I'm not advocating that you change your name. Mardis – It's kind of like a name for us, it has almost replaced from a business point of view in our industry, I mean when you drive by a billboard and you see a phone number 603-253-7766 or 603-279-2100 for people to remember a phone number which is very common on a lot of signage is much harder and takes much more concentration than a flash of a very simple phrase. I'm a marketing guy and I'm just, so whatever that's worth, what I didn't want to do though is to have a sign like that if I'm forced to take up the 64 sq. ft. and I'd rather balance the two. Edgar – I think the intent of the comments is well intended that you do have a very strong contrast between the lettering, dark background/white lettering. Sometimes if the color selections for whatever reason are different, they could be harder to read so I think that works in your favor. We don't regulate to this degree on these types of things so I think.. Mardis – You don't regulate content? Edgar – But we do regulate, it is fair for the Board to look at issues on safety and those kinds of things so I think, I would be almost advisory in thinking of going back and just seeing if anything could be simplified if at all or are the letters big enough so that they are within reason without detracting from the building. What is it, the size of the board's 2' x 16' so I don't know what the size of the lettering's going to be but it's going to be significant. Mardis – I'm trying to understand the thing here. My understanding was that we're allowed 64 sq. ft. of building signage and depending on what town I'm in and I really haven't done too much in Meredith other than Meredith Square and another place, but my thought was, I mean this was just a real quick thing I asked them to do so she split it up equally, 32 sq. ft. per side. My initial thought was on the front of the building where you already have a main street sign, then maybe you just want more of an easy identifier and that might even be done in an even higher quality signage than whatever and one may be 35 sq. ft. or 40 sq. ft. and the other may be 24 sq. ft. Johnson – Could I just make a comment. I'm going to read just quickly why its confusing then I think we should probably just leave it to what we have on the plan and go from there, but the ordinance reads, "Each property owner with road frontage of 150' or less shall be permitted a free standing sign with a maximum size of 64 sq. ft. per side and additional building signage to a maximum of 64 sq. ft." Edgar – There's another section you're not reading, Carl and I don't want to go tit for tat on it, but there's another section under 8.c., it says "if upon site Plan Review you meet physical conditions prove them necessary, the Planning Board may give conditional approval for up to 3 signs subject to the granting of a special exception". That's what's adding another level of confusion to what you just read. Johnson – My interpretation of that is an additional freestanding sign. Edgar – That's not my call or this Board's call so I would hope that we could leave tonight with enough flexibility on a

conditionally approved plan such that if you jockey the numbers around a little bit that you're not locked into 2' x 16' and if there's some flexibility there on Bill's end or the ZBA's end or whatever the case may be, the ordinance doesn't say they've got to be 2' x 16' per se so I think that it's just something that as long as we're working within reason and the general intent of what we are looking at here is to work those details out with Bill and I would just ask that from my point of view that if they come to a slightly different configuration as to allow that flexibility for final approval. I think it's pretty obvious that the applicant is pretty sensitive to the aesthetic appeal of the building and signage and I would just generally agree with Lou's comments and as a general statement, not specific to these signs, but a general statement is that you don't want to inadvertently create a hazard if something is difficult to read. On the same token, you don't want to create a billboard on the side of the building to make sure it's abundantly readable. Flanders – I think we're getting mired down on this stuff and there's no sense making this any longer or more painful than it needs to be. Bayard – I would agree with you, Bob, I think we've all stated our opinion and I think we're fairly much in agreement that it's maybe going to the ZBA, depending on what Bill Edney has to say and that you ought to look at readability. Flanders – Can I suggest you ask for public input and once we get through that, we can think about a motion. Wood – I suggest that you limit the on-building signage to 64 sq. ft. and allow the Code Enforcement Officer settle it. Flanders – The ordinance already requires a limit. We don't even have to make the statement, it's already in the ordinance. Johnson – I have one request before you close the public portion of the hearing and that given the time sensitivity of the application, if most of these issues can be worked out administratively, this would allow the plan to be signed outside of a regular meeting so that when we satisfied the conditions of the approval if you should grant one, we could have the plan signed. Mardis – I just think it's a great plan and if approved, you won't regret what you see. Hearing closed at 8:45 p.m.

Flanders moved, Finer seconded, MR. CHAIRMAN, I WOULD LIKE TO MAKE A MOTION THAT WE APPROVE MARDIS PARTNERS, LLC ARCHITECTURAL DESIGN AS PRESENTED FOR A PROFESSIONAL OFFICE BUILDING, TAX MAP U06, LOT 113, LOCATED AT 290 DANIEL WEBSTER HIGHWAY IN THE CENTRAL BUSINESS DISTRICT. Voted 5-0 in favor of the motion.

Finer moved, Flanders seconded, MR. CHAIRMAN, I WOULD LIKE TO MAKE A MOTION THAT WE APPROVE THE PROPOSED SITE PLAN FOR MARDIS PARTNERS, L.L.C. TO CONSTRUCT A PROPOSED PROFESSIONAL OFFICE SPACE AND RELATED SITE IMPROVEMENTS, TAX MAP U06, LOT 113, LOCATED AT 290 DANIEL WEBSTER HIGHWAY IN THE CENTRAL BUSINESS DISTRICT, SUBJECT TO THE FOLLOWING CONDITIONS:

- (1) ANY APPROVAL SHALL BE SUBJECT TO BOB HILL'S SIGN OFF ON THE FINAL PLANS.
- (2) THE NHDOT APPROVAL SHALL BE NOTED ON FINAL PLANS.
- (3) THAT A PRE-CONSTRUCTION CONFERENCE BE REQUIRED PRIOR TO ANY SITE WORK; THAT SPECIFICATIONS FOR THE REMOVAL OF THE BUILDING AND THE INSTALLATION OF THE PROPOSED FOUNDATION BE APPROVED BY THE CODE ENFORCEMENT OFFICER PRIOR TO SITE WORK AND THE ISSUANCE OF A BUILDING PERMIT AND THE APPLICANT SHALL BE RESPONSIBLE TO CONTRACT FOR CONSTRUCTION INSPECTIONS PERFORMED EITHER BY AN ENGINEER OR GOVE ENVIRONMENTAL SERVICES WITH RESPECT TO EROSION CONTROL, CONSTRUCTION SEQUENCING AND COMPLIANCE WITH THE STORM WATER POLLUTION PREVENTION PLAN.
- (4) THAT WE GRANT A WAIVER FOR ONE PARKING SPACE.
- (5) THAT ANY CHANGE IN USE, CHANGE IN OCCUPANCY OR REDUCTION IN PARKING MAY REQUIRE ADDITIONAL PLANNING BOARD REVIEW AND THAT BE NOTED ON THE FINAL PLANS.
- (6) THAT THE SIGNS BE DETERMINED ADMINISTRATIVELY BY BILL EDNEY, CODE ENFORCEMENT OFFICER, AND LET HIM DECIDE WHAT SIZE SIGN CAN BE PUT WHERE.
- (7) THE FUEL SUPPLY SHALL BE SUBJECT TO CHIEF PALM'S SIGNOFF ON THE FINAL PLANS.
- (8) A PERFORMANCE GUARANTEE SHALL BE REQUIRED FOR EROSION CONTROL AND SITE STABILIZATION. UNIT COST ESTIMATES SHOULD BE SUBMITTED FOR STAFF REVIEW. SINCE THIS IS A FAIRLY SMALL GUARANTEE IN TERMS OF SCOPE AND COST, I THINK WE SHOULD ALLOW IT TO BE HANDLED ADMINISTRATIVELY.
- (9) WE RESERVE THE RIGHT TO REVIEW AND AMEND AND WE ALLOW THE PLANS TO BE SIGNED OUTSIDE OF A REGULAR MEETING DUE TO TIME CONSTRAINTS OF THE APPLICANT.

Voted 5-0 in favor of the motion.

3. **CONVEX, LLC:** (Rep. Carl Johnson, Jr.) - Proposed minor subdivision of Tax Map R29, Lot 2D, into 3 lots (9.30 ac., 8.50 ac. And 3.76 ac.) located on Batchelder Hill Road in the Forestry/Rural District.

This is a 3-lot subdivision which you previously approved called Winnisquam Heights off of Batchelder Hill Road. I am going to forego a detailed description of this project because you've already had it and have already approved it. I'm just going to explain to you that because of a peculiarity in one of the lots and purely an aesthetic decision made by the developer, he wanted to include a small element of the property located here in Lot 1 and not in Lot 2. He actually brought this to my attention the day before the previous Planning Board hearing and I told him that at that point in time, it was too late to make that significant a change even though it wasn't a big deal. I talked to John about it and he said we had to proceed with what we had and that although it does not change the access, it does not change any of the lot sizing requirements in terms of meeting the lot size, it doesn't change any wetlands issues. Basically, it doesn't change anything, but is a significant enough difference in configuration of the lots that requires us to come back before the Board. Essentially, when we incorporated a portion of Lot 2 into Lot 1, I also straightened out this line so there wasn't a kink in it. It means one less pin I have to set out there so basically what we've got is the same subdivision, the same access, the same house locations, the same test pit locations just slightly different configuration of the lot lines. That's why we are here. It's a lot of work for a very simple change but in a nutshell, that's it. John's staff review basically sums that up and gives you a little bit of a background and the changes and differences in the lot sizes.

Lot 1 was 3.6 ac., proposed 3.76 ac.

Lot 2 was 9.58 ac., proposed 8.50 ac.

Lot 3 was 8.36 ac., proposed 9.30 ac.

As you can see, we're still well above the minimum lots by soils-based lot sizing and he basically says that because this is the old plan and never got to final approval of the old plan because of the conditions, that we should restate the conditions of the original approval. Kahn – What is the feature? Johnson – There's an element of the drainage that comes down through here that's pretty. Edgar – Mr. Chairman, for the Board's benefit I've attached a copy of the Notice of Decision from November 8th. Kahn – Can we just incorporate that by reference without reading every one of them into the motion. Hearing closed at 8:55 p.m.

Finer moved, Kahn seconded, MR. CHAIRMAN, I MAKE A MOTION THAT WE APPROVE THE MINOR SUBDIVISION OF TAX MAP R29, LOT 2D INTO THREE (3) LOTS (9.3 AC., 8.5 AC. AND 3.76 AC.) LOCATED ON BATCHELDER HILL ROAD IN THE FORESTRY/RURAL DISTRICT FOR

CONVEX, LLC, WITH THE SAME CONDITIONS THAT WERE PUT ON THE PROPOSAL DATED NOVEMBER 8, 2005. Voted 5-0 in favor of the motion.

4. **JONATHAN D. & PAMELA MELONE HALSEY:** (Rep. Harry Wood) Continuation of public hearings held on January 24 and February 14, 2006, for a proposed Major Subdivision of Tax Map S01, Lot 4, into two (2) lots (23.656 ac. and 16.233 ac.) and Boundary Line Adjustment between Tax Map S01, Lots 4 and 5, located on Tuttle Road in the Forestry/ Rural District. Application accepted January 10, 2006.

One of the major issues on this particular project is the fact that the lots are in Meredith and the road is in Center Harbor. That requires an approval by the Town of Center Harbor. When we went to them before, we were talking about a Boundary Line Adjustment. Lot #1 was to be conveyed to the individual in Center Harbor who owns the adjacent property. Towards the end of that negotiation, the buyer stipulated that he wanted it to be separate, so we had to start over again and that's why we're here this evening with a subdivision instead of what we originally started out with and because it's not going to be merged, we are actually creating one new lot here and as a result, we have to have the approval of Center Harbor with regard to this road access. I'm scheduled for that approval on March 7th so we're trying to wrap up the project so that on March 7th if we get that approval, we can finalize the plans. We have two (2) lots out there now which is this lot identified as Tax Map S01, Lot 5 and then we have the balance which is a separate tax map and we're splitting the largest lot into two (2) lots, one of 23 acres the other one 16 acres. The only significant feature other than the road access issue is frontage for Lot #3 and we have agreed in some discussions with the owner to make one change in this location which would provide 50' of frontage on Tuttle Road without question. There is some question if we don't do that. I talked to the Highway Superintendent in Center Harbor. This is an extremely old road; it dates back to the beginning of the Town. It's not exactly a range road, but it lies along the Town line and it is a dead-end. It's in fairly good condition because of the terrain. There was an attempt by Center Harbor when an additional property was divided in this area, they caused the developer to reserve a 50' wide strip in this area which if projected would line up with this and thereby eliminate the dead-end road situation. Because we're not in Center Harbor, we're not doing anything about that, but we are providing about a 120' wide strip that will actually provide access to this and have its frontage on Tuttle Road. Keep in mind that the guy buying this lot also owns everything on the other side of the road. If he ever does anything, this will probably get connected in the future. In order to provide decent access for Lot #2, we propose a Boundary Line Adjustment between this tax map and this one which would take an existing driveway that's there now and place it on Lot #2, thereby guaranteeing sufficient 150' of frontage

or more and an existing road cut, he wouldn't have to have a new one and this tax map would retain an easement over this triangular area to bypass a wetland located here rather than file applications to cross the wetland, bridge it, culvert it, whatever we had to do, we would go around it. We would also be going around the buffer area so we won't be applying for a special exception to go through the buffer either. We'll utilize the existing driveway up to a point where we can turn off and bypass the buffer zone and go up to a proposed house location which may be here or depending upon some future request at a different site on the lot, this one is placed fairly low on the hill for purposes of review and approval, we show a well house, a gravity feed septic downhill. The grades here are very acceptable. The only things I've been asked to do by the Fire Department is to provide a turnaround large enough for a fire truck to turn around so they won't have to back out of this area and just allow them to turn around at that site. I think we've provided mapping on each lot only enough to meet the soils and slopes and to prove that the house sites are buildable. We didn't feel we needed to do 23 acres of topography to prove there can be one house put on here so we did enough to meet soils and slopes and that's it. That information is not yet on the plans, but will be added. I think that pretty well covers the concept here. We did review driveways and whatnot and we will be providing a turnout on this driveway so there's not over 800' without a turnout to meet the Fire Department requirements. We have the ability also to provide a turnout here where this existing driveway branches so you can just open it up a little bit for a turnaround and provide a turn around at the end. There are some other things with regard to statements regarding grade, radius of turns and vertical clearances of 33 ½'. We are going to have to specify those things on the plan as a plan note. We have no problem with that. We would like if at all possible, I realize you have a very busy schedule, but unless you have a major objection to this, we would like to schedule for the 28th with further approval to sign the plan outside of a meeting. The reason for that is that on March 7th we obtain the approval from Center Harbor, we would not want to wait until the 28th of March in order to be able to finalize this plan. If it were not for the possibility that the lots could be subdivided again, this would be considered a minor subdivision. However, it's premature to restrict them from further development. Edgar – There are some odds and ends that need to be added to the final plan. Plans need to reflect the zoning district as Forestry/Rural. I asked for a clarification on the after-adjustment lot sizes. We have some acreages on the plan and when we get into Boundary Line Adjustments, I just want to make sure that we have before and after acreages so we know exactly what, typically the assessing office wants to know exactly what they are looking at when the plans come through. I think if we kick that line over on the flag stem of Lot 1, that will address the concerns with respect to frontage. A couple setback lines need to be corrected. Typical language with respect to labeling the wetlands, noting the applicable wetland setback for non-designated wetlands, who did the

delineation work, when was it done and to what standard? The test pit data needs to be submitted, here again they are large lots and it's not a big deal. They should indicate like they do in all subdivisions the existing and proposed electrical services at least in the ROW. Harry's mentioned the statute that requires Planning Board approval which should be a condition of any approval. In terms of the access to the 3 lots, I understand that S01, Lot 5, the first lot, so the access would come in on that existing driveway until it passes the buffer limit and then it would turn off and proceed around the wetlands. That will need an easement over proposed Lot 2. How do you propose to access Lot 2, where would that come in from. Wood – It comes off the exact same place. Also, you'd notice that there is an easement retained by Lot 2 over this strip which is a portion of Lot 1 and that's simply to continue to use the existing roads rather than create new ones right beside each other. Edgar – And that's to provide access to Lot 2? Wood – This is owned by Lot 1. Lot 2 has its own frontage here within the triangle. The existing lot has its own frontage directly on the road. Edgar – So where the dashed line is, the hypothetical driveway, somewhere that would come off the existing woods road at some point, OK? Wood – And also have the right to pass all the way along the existing road to their boundary for this lot for convenience sake and then the last lot will take its entrance here off Tuttle Road and come up the existing roadway that's there and proceed over to its own lot. Edgar – OK, so if I understand correctly, the access to Lot 2, a portion of that is going to be on Lot 1 with benefit of an easement, the middle lot. Wood – It would retain essentially what I've drawn in here I think it's drawn in at 50' to the inch and it would travel right along the existing roadway. Edgar – But to get to Lot 2, the access would come in off the road so it's coming in over Lot., it's on itself because of the Boundary Line Adjustment and then it goes onto Lot 1 and then at some point it forks and ties into this. Wood – It stays on the same... and there will be an easement for the entire length of the existing roadway by this lot owner for the benefit of this one, OK? Edgar – And then for Lot 1, they just run the length of that woods road down the stem of the flag of that lot. So at the end of the day, we have no more than two lots on any specific drive and we have two driveway easements that we need to see. One is for the benefit of Lot 5 over Lot 2 and one is for the benefit of Lot 2 over Lot 1. I would just ask that final plans clarify that a little bit in terms of what the intent of the plan is. Flanders – Where does Lot 1 get its frontage? Wood – Right here. As I indicated, there's a small change that needs to be made. Edgar – This is a flag lot and this was a concern of mine, that's not 50' so they are looking at kicking this over and this will be their frontage in here. On a hundred scale, it's going to be plenty from here to here. Bayard – That driveway there is then going to... Wood – They are going to continue to use the existing one. Edgar – There's confusion here because of this line, see this, that line doesn't belong there. This is a big flag lot, they are kicking out that to get the frontage on there. That's what I raised it in the staff review, but this was 30 some odd feet and needs to be

50' so they've made that bigger and this lot, where the Boundary Line Adjustment comes out here so that's all their frontage which is fine and here is this one's frontage. Bayard – It sounds like you are looking for a continuance to February 28th? Wood – Yes, I think that the amount of time to conclude on that evening should be relatively brief. Basically, if you have no discussion this evening, I would presume it to be even less that evening. John will have a chance to look at the draft easements, any notations that we put on the plan that we've previously discussed and he should have the ability to say that basically the changes discussed this evening have been made to the plan and that should be all the time that's required for the project unless something comes up that I don't perceive at this point. When do you want this material and easements because we've got tight calendars coming up here and you usually do like the two weeks. Edgar – We generally do like the two weeks especially for anything that needs any kind of staff review. As you know, we don't have a specific regulation to this effect, but that's been our practice on some of the bigger projects that need time. This is not something that's going to need a lot of time to review. There's no engineering, there's no technical complexity to it so if we have it a week in advance, that would be sufficient. Bayard – Is that going to work for you, Harry? Wood – Yes. Bayard – I'd like to stick to that because too often we get tied up when we don't have deadlines. Hearing closed at 9:13 p.m.

Flanders moved, Finer seconded, I MOVE THAT WE CONTINUE THE HEARING OF JONATHAN D. AND PAMELA MELONE HALSEY, TO FEBRUARY 28, 2006, WITH PLANS TO BE SUBMITTED A WEEK PRIOR TO THE HEARING DATE. Voted 5-0 in favor of the motion.

PRE-APPLICATION REVIEW

1. **STEVE CATALANO (ABONDANTE)** - Pre-Application Conceptual Consultation to discuss possible expansion of Abondante Trattoria, Tax Map U07, Lot 130, located at 30 Main Street in the Central Business District.

We have a small Italian restaurant on Main Street and I'm here tonight after consultation with John and some subsequent discussion with Chuck and Bill for two reasons, one is we're interested in expanding the restaurant to the spot adjacent to ours, also at 30 Main Street and was formerly N.J. Tangles Hair Salon. Our proposal is to put an archway in between our existing restaurant to property adjacent and add somewhere depending on the square footage, etc. and the Town and State laws between 30 and 50 seats. It's probably closer to the mid forties. Bayard – That's additional? Catalano – In addition to what we have currently, correct. We feel it's necessary for the business because we are currently turning people away. The change would not require any change to the building, fuel, trash

removal, all that would be as is. The kitchen will remain as is, we will just make it more efficient, but everything would basically remain the same other than adding the dining room space. The parking won't be an issue because we're only open in the evening and Main Street is pretty quiet even in the summer time so we won't be adding any unusual demands there and a lot of our traffic is also walkup traffic from the Inns and B & B's in Town and so forth. That is one proposal. Along with that simultaneously, we're thinking of and very seriously considering renovating the basement of the same building. If you're familiar with the alleyway that leads down from Main Street to Mills Falls, there was a property most recently there for a very brief period of time was the McLane law firm and prior to that was the Dynamic Ceramics and prior to that Bearing Gifts. Inside that unit, there's a brick foyer with three distinct places that are connected. We're thinking of doing and/or coordinating three separate retail businesses out of there. The first most probably would be a bakery which we do all the baking up in the restaurant and then use that as a retail spot and the second unit would be a retail wine and cheese business and the third spot would be a gift shop offering gifts specializing in kitchenware and those types of things. We would like to convert that and there would be no change to the building structure at all, we would just be making it retail. Edgar – When we staffed this initially with Steve, we were pretty excited about the proposal to see Abondante expand. It is a change of use that would require a site plan back before you. One of the things that we wanted to feel you out on what I would propose is that we handle it similar to what we did with the Village Perk. We don't need a formal site plan because we're not changing the building, everything basically is a change of tenancy, change of use if you will. The applicant filled out an application, but instead of a site plan it's all internal to the building, we would have a project narrative coming in with the abutter's list like we have done on some other projects. Additional seating would be added and we would be looking at a parking waiver. The Board's practice in the past has been to support business on Main Street. The nature of the trade is already in the village, most of it is at night. There is some walk-in trade; some are already parked in other parking lots. The lower level is retail and will remain retail. The hair salon space would be occupied by dining space that would be inter-connected. We are reviewing all the code issues with the Fire Department and Bill had gone through the building initially to double check code stuff and needless to say, anything that has to be brought up to code would be so that will be covered as a matter of course, but effectively we would be expanding the use, changing the use and have to go back through you in a formal hearing application process. I know Chuck has looked into that specific stuff and having conversations with the owner about some of the issues. Bayard- We often like to have the employees, if possible, park a little further away, I don't know what might work. There's also safety issues, we certainly don't want, if it's late at night, people wandering off into the darker areas, but it may be something you might want to look into a little bit, just because parking is

somewhat difficult downtown. Catalano – Certainly, and they do park in the church lot and even the second church lot beyond the church and occasionally in the Aubuchon lot when it's real busy. Kahn – There will be parking issues though with your bakery on a Saturday morning when Main Street is tied up like a knot. Edgar – You'd be damned if you don't allow business and everything's vacant, and we're damned if we encourage business when there's no place to park. Finer – Do you do stuff up at the Perk? We did have that arrangement with the Perk and more specifically with the upstairs gallery, but since their closing, one of the things we plan to do with the expansion of the restaurant is to do the wine tasting right there and keep the business open for regular customers. Finer spoke in favor of the project. Flanders – This is consistent with what other businesses have done on Main Street.

TOWN PLANNER'S REPORT

1. **OEP 13TH SPRING PLANNING & ZONING CONFERENCE – APRIL 1, 2006, RADISSON HOTEL, MANCHESTER, NH.**

The Office of Energy and Planning has published their agenda for their April 1st Spring Conference. We have the agenda here and if anybody is interested, it looks like a pretty good agenda. Just follow-up with me if it's anything you are interested in. Finer – Do you have to sign up for one track or can you jump around? Edgar – Jump around.

2. **WINNIPESAUKEE WATERSHED GROUP:**

Ed Touhey – Mr. Chairman, for the record the Winnepesaukee Watershed Group met in Laconia. The Town Planner, John Edgar, was present along with myself and Ralph Pisapia of the Conservation Commission and it looks like that group has regularly scheduled meetings for the next several months and we'll be looking to coordinate studies and recommendations for the communities of Gilford, Laconia and Meredith.

Meeting adjourned at 9:30 p.m.

Respectfully submitted,

Mary Lee Harvey
Secretary
Planning/Zoning Department

The minutes were reviewed and approved at a regular meeting of the Planning Board held on _____.

William Bayard, Secretary

